

A1 1. (amended) A DNA plasmid comprising an adenoviral gene or [gene] a region of the adenoviral genome containing a gene encoding [that encodes] a cytotoxic protein, operably linked to an inducible promoter.

A2 6. (amended) The DNA plasmid of any one of [claims 1-5 in the alternative] Claim 1, 2, 3, 4 or 5 wherein said inducible promoter is a [the] promoter from the cAMP response element binding protein regulated genes.

A3 9. (amended) The DNA plasmid of any one of [claims 1-5 in the alternative] Claim 1, 2, 3, 4 or 5 wherein said inducible promoter is selected from the gene encoding the [transcylcline] tetracycline responsive promoter.

A4 31. (amended) The target cells of claim 30 wherein said cells are selected from the group of replicating [, slow-replicating] or non-replicating human cells.

Please add new Claims 37-39 as follows:

A5 37. (new) A replication-defective recombinant adenovirus, wherein the adenovirus genome contains at least two deletions, two mutations, or one deletion and one mutation in the E1 and E4 early gene regions, wherein said recombinant adenovirus genome additionally contains a transgene that replaces any one of said deletions.

38. (new) A replication-defective recombinant adenovirus, wherein the virus contains at least two deletions,